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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,653	12/30/1999	RONALD M. SMITH	42390.P6384	6654

7590 04/29/2003

JAMES M WU  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/475,653

Applicant(s)

SMITH ET AL. 

Examiner

Haythim J. Alaubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-26 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-26, are rejected under 35 U.S.C. 102(e) as being anticipated by Scott Corey Miller (U.S. Patent No. 6,421,707 and Miller hereinafter).

4. Regarding Claims 1, 3, 7, 9-10, 13-14, 17, 22 and 26, Miller teaches:

creating a user profile (Figure 1, Element 135)

obtaining new information (Col 4, Lines 21-23)

identifying a user profile from the user profile database in response to the new information (Col 2, Lines 65-67 through Col 3, Lines 1-5)

identifying a delivery mechanism having a plurality of delivery vehicles that can be used in response to the user profile (Abstract, i.e. *The subscriber is then notified by the*

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network of the message (delivery mechanism) and then delivers the message and any multimedia attachments to the message to the subscriber, according to a delivery indication sent by the subscriber (according to the user profile) to the network; Col 3, Lines 33-38; see also Col 5, Lines 8-12, i.e. providing a number of data services; see also Col 4, Lines 49-51; see also Col 2, Lines 58-64, i.e. Delivery system 160 includes interfaces to a variety of delivery systems; see also Col 3, Lines 16-19, i.e. Converter bank subsystem 180 converts an input into an appropriate delivery format prior to its delivery to the subscriber. The delivery format is advantageously specified by the subscriber

identifying a default delivery vehicle (Col 5, Lines 1-4, i.e. (or defaulted to, as appropriate)

delivering a notice in response to the user profile (Col 5, Lines 4-5, i.e. when the notification of Radhika's e-mail arrives at Thomas' handset 411).

Regarding Claims 2, 11, 16 and 21, Miller teaches receiving the user profile (Figure 4c; see also Col 4, Lines 41-51; see also Figure 11).

Regarding Claims 4, 18 and 23, Miller teaches SMS (Figure 1, Element 160; see also Figure 4c, Element 410).

Regarding Claims 5, 19 and 24, Miller teaches SMTP (Figure 1, Element 160; see also Figure 4c, Element 410).

Regarding Claims 6, 12 and 25, Miller teaches secure manner (Figure 4a – 4b; i.e. the security option on the top tool bar).

Regarding Claims 8, 15 and 20, the limitations of these claims have been noted in the rejected claim 1, above. In addition Miller teaches memory and processor (Col 3, Lines 53-65).

### ***Response to Arguments***

5. Applicant's arguments filed 25 February, 2003 have been fully considered but they are not persuasive.

Applicant argues that Miller does not teach "identifying a delivery mechanism having a plurality of delivery vehicles that can be used in response to the user profile".

Examiner respectfully disagrees. Miller teaches, "identifying a delivery mechanism having a plurality of delivery vehicles that can be used in response to the user profile" (Abstract, i.e. *The subscriber is then notified by the network of the message (delivery mechanism) and then delivers the message and any multimedia attachments to the message to the subscriber, according to a delivery indication sent by the subscriber (according to the user profile) to the network*; Col 3, Lines 33-38; see also Col 5, Lines 8-12, i.e. *providing a number of data services*; see also Col 4, Lines 49-51; see also Col 2, Lines 58-64, i.e. *Delivery system 160 includes interfaces to a variety of delivery systems*; see also Col 3, Lines 16-19, i.e. *Converter bank subsystem 180 converts an input into an appropriate delivery format prior to its delivery to the subscriber. The delivery format is advantageously specified by the subscriber*).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

***Points of Contact***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 746-7238 or (703) 746-7239 or (703) 746-7240.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

***Haythim J. Alaubaidi***

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Haythim J. Alaubaidi  
Patent Examiner  
Technology Center 2100  
April 22, 2003

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100